IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

Tr.P(Crl.).No. 102 of 2006(C)

MC.320/2005 of FAMILY COURT, ALLEPPEY.
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PETITIONER: RESPONDENT

N.KRISHNAN, AGED 52, S/O. NARAYANAN,
RESIDING AT NITVE, INDUSTRIAL ESTATE,
PAPPANAMCODE, THIRUVANANTHAPURAM.

BY ADV. SRI.N.SUKUMARAN
SRI.S.SHYAM
SRI.N.K.KARNIS

RESPONDENTS: PETITIONERS AND STATE
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1. BINDU, AGED 38,
MANIMANDIRAM, MANNADI P.O.,
PATHANAMTHITTA DISTRICT.

2. NISHI, AGED 12, D/O. BINDU,
-DO- -DO- , MINOR, REPRESENTED BY
GUARDIAN 1ST RESPONDENT.

3. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
COCHIN-31.

BY PUBLIC PROSECUTOR

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 30/01/2007, ALONG WITH TPC NO. 320 OF 2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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Tr.P.(Crl). No. 102 & Tr.P.(C) 320 OF 2006

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Dated this the 30th day of January, 2007.

O R D E R

These transfer petitions are filed to transfer M.C.320/05 and O.P.680/05 pending before Family Court, Alleppey to the Family Court, at Nedumangad. Respondents served and they have not entered appearance. Heard the learned counsel for the petitioner and perused the records.

2. A perusal of the petitions would reveal that the petitioner before the Family Court is residing not in Alleppey District but in Mannady even which according to her, is situated at Pathanamthitta. It is also seen from the cause title that the husband is now residing at Trivandrum for the last so many years. There are allegations against the husband to the effect that he is keeping another concubine and residing at Trivandrum. So the place of residence of the respondent is at Trivandrum and the marriage has not taken place anywhere within the limits of Alleppey District and further there is nothing

to show that they were residing lastly together anywhere in Alleppey District. When it is so it is doubtful whether the Alleppey Court will have any jurisdiction or not. But, it is not a matter that has to be considered in detail in a Transfer Petition. The learned counsel for the petitioner in both the cases would submit that he is aged 62 and is having ill health and is unable to travel about 200 kilometers from Trivandrum to attend the Family Court at Alleppey. It is also submitted by him that the total distance from the place of residence of respondent to Alleppey is 108 kilometers whereas distance from Mannady to Family Court, Nedumangad is 90 kilometers. When the distance is taken as the criteria, it has to be held that for both the parties the Family Court at Nedumangad will be a better and convenient place than the Family Court, Alleppey. It is submitted by the learned counsel that the property at Alleppey has been sold by him long back and it will not create any cause of action which need to be interfered by this Court. Since the respondent, wife has chosen to remain absent before this Court and from the distance point of view it appears that the Family Court, Nedumangd is nearer and convenient Family Court and in the interest of justice I feel both the cases can be transferred to the Family Court, Nedumangad for

trial and disposal. Therefore, both the petitions are allowed and O.P.680/05 and M.C.320/05 pending before the Family Court, Alleppey are transferred to Family Court at Nedumangad. The Alleppey Court is directed to give notice to the counsel appearing for the wife before transferring that case to Nedumangad so that she will be aware of the transfer.

Both the TPCRs. are accordingly allowed.

M.N. Krishnan, Judge.

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